HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 15828 of 2005

Date 10-8-2007

Between:
Pappala Jagdish

……PETITIONER

AND

The Post Master General,
Department of Posts,
Visakhapatnam District and others.

…..RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.15828 of 2005

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 21.4.2005 made in O.A. No.1326 of 2004 on the file of the Central Administrative Tribunal, Hyderabad Bench and to quash the same.

The brief facts of the case are that the 2nd respondent herein issued a notification on 29.4.1998 for filling up the post of Extra Departmental Branch Postmaster. Pursuant to the same, one Bhaskara Raju was appointed as B.P.M. on 29.6.1998. Assailing the said selection, the petitioner herein filed O.A. No. 1178 of 1998 before the Central Administrative Tribunal. The Tribunal through orders dated 11.9.1998 disposed of the said O.A. and directed 2nd respondent therein to depute A.S.P.Os. for verification to the village in which the properties of Mr. Bhaskara Raju are located and after such consultation, as may be found or considered necessary with the concerned State Government officials, he may satisfy himself as to the correctness or otherwise of the income/property held by the said Bhaskara Raju and follow up action as may be found necessary may be taken as per rules in the light of facts which may emerge from such consultation/verification. Thereafter, the Mandal Revenue Officer conducted enquiry into the matter and found the documents produced by Bhaskara Raju as fabricated. By order dated 20.6.2001, the services of said Bhaskara Raju stood terminated and charge of the said post was given to the petitioner. Thereafter, the said Bhaskara Raju filed O.A. No.984 of 2001 before the Tribunal and by order

dated 11.10.2001 the Tribunal allowed the said O.A. and set aside the impugned order and directed the authorities to reinstate him into service within one month from that day with all consequential benefits. Pursuant to the same, the petitioner handed over the charge of the said post to Mr. Bhaskar Raju on 10.7.2002. Assailing the said order, the respondents filed Writ Petition No.26329 of 2001 before this court. Through order dated 14/3/2002, a Division Bench of this Court, dismissed the said writ petition. It, however, reserved liberty to the respondents to proceed further in the matter and conduct enquiry against the said Bhaskara Raju in accordance with law. Thereafter, the department after conducting enquiry, terminated the said Bhaskara Raju from service on 30.6.2004. The petitioner herein, seems to have made representations to the 2nd respondent to handover charge of the said post to him. He also filed O.A. No. 925 of 2004 before the Tribunal seeking transfer of charge. Through order dated 31.8.2004, the Tribunal disposed of the said O.A. with a direction to the 2nd respondent to dispose of the representations dated 13.7.2004 and 20.7.2004 said to have been filed by the petitioner herein within a period of one month from the date of receipt of a copy of the said order. The respondents through proceedings dated 11.10.2004 rejected the representations filed by the petitioner. Aggrieved by the same, the petitioner herein filed O.A. No. 1326 of 2004 before the Tribunal and the Tribunal by the order impugned in this writ petition, dismissed the said O.A. Hence, the present writ petition.

Learned counsel for the petitioner would contend that he was asked to handover charge when Mr. Bhaskara Raju succeeded in the O.A. No.984 of 2001 and accordingly he handed over the same. He would further submit that pursuant to the termination of Mr. Bhaskara Raju from service, the petitioner herein was appointed in the said post. He would further submit that what he was seeking was only transfer of charge and not fresh appointment; that there is no order terminating the service of the petitioner as Branch Post Master. Further, there is an existing vacancy of

Branch Post Master and a direction may be issued to the respondents to consider the case of the petitioner either in the existing vacancy of Mr.Bhaskara Raju or in any other vacancy.

Sri Suresh Kumar, learned counsel appearing on behalf of Mr. Rajasekhara Reddy, learned Standing Counsel for the respondents submitted that the vacancy of Mr. Bhaskara Raju is still not filled up. He also submitted that the services of the petitioner have not been terminated as Branch Post Master.

Under the circumstances, it would suffice if a direction is issued to the respondents to consider the case of the petitioner for appointing him as Branch Post Master in the place of Mr. Bhaska Raju in the existing vacancy.

The writ petition is accordingly disposed of with a direction to the respondents to consider the case of the petitioner for appointing him as Branch Post Master in the place of Mr. Bhaskara Raju in the existing vacancy.

At this stage, counsel for the petitioner requested the Court that liberty may be given to the petitioner to file appropriate representation with the Department with regard to his seniority.

Accordingly, liberty is granted to the petitioner to file appropriate representation before the respondents so far as seniority is concerned. On such representation being filed, the department shall consider and dispose of the same as per rules.

The writ petition is accordingly disposed of. No costs.

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(T. MEENA KUMARI,J)

Date: 10th August, 2007

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(G. CHANDRAIAH,J)

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